

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT A. DYE,)	CASE NO. 5:15CV1095
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
CHRISTOPHER LAROSE, Warden,)	
)	
RESPONDENT.)	

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed.¹ The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, the Court dismisses the petition for habeas corpus relief. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in

¹ The docket reflects that, on February 24, 2017, petitioner came to the Akron Clerk's Office and filed a notice that his address had changed, and that an employee of the Clerk's Office gave petitioner a copy of the R&R at that time. (Doc. No. 13; and Staff Note dated 2/24/2017 (restricted access).) Assuming that petitioner had not seen the R&R prior to being presented with a copy on February 24, 2017, his objections were due no later than March 14, 2017.

good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: March 23, 2017



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE